

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Dos Santos, <i>et al.</i>	) Examiner: Cordero Garcia, M. M.
		)
Serial No.:	10/563,276	) Art Unit: 1654
		)
Filed:	September 10, 2003	) Attny Docket: VA/H-33271A
		)
For:	Protein from photobacterium damsela and use thereof	) Confirmation No.: 4311
		)

**COVER SHEET FOR PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

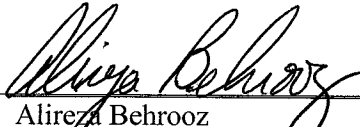
Dear Madam/Sir :

The above referenced application became abandoned for failure to timely file a Reply to the Non-final Office Action mailed July 30, 2008. A Notice of Abandonment was subsequently issued by the U.S. Patent Office on February 19, 2009 (copy enclosed herewith). Applicants hereby petition for revival of this application. The entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition pursuant to 37 CFR 1.137(b) was unintentional. It is therefore respectfully requested that this patent application be reinstated and proceed to examination.

The Commissioner is hereby authorized to charge the Petition Fee in the amount of \$1,620.00, as well as any deficiency in the payment of the required fee(s), or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

Date: March 26, 2009

By:   
Alireza Behrooz  
Attorney for Applicants  
Registration No. 60,882

Docket No. : VA/H-33271A

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
1401 Eye Street, NW, Seventh Floor  
Washington, DC 20005

Office (202) 857-4507  
Fax (202) 261-0042



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,276	01/04/2006	Nuno Miguel Simoes Dos Santos	VA/H-33271A	4311
74-479 7590 02/19/2009 Novartis Animal Health US Inc. 3200 Northline Avenue, Suite 300 Greensboro, NC 27408			EXAMINER CORDERO GARCIA, MARCELA M	
			ART UNIT 1654	PAPER NUMBER
			MAIL DATE 02/19/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# **Notice of Abandonment**

Application No.

10/563,276

Examiner

MARCELA M. CORDERO  
GARCIA

Applicant(s)

DOS SANTOS ET AL.

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 30 July 2008.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant's representative (Delisa Daniels) confirmed no response has been filed in a telephonic conversation on 11 February 2009.

/Marcela M Cordero Garcia/  
Examiner, Art Unit 1654

/Anish Gupta/  
Primary Examiner, Art Unit 1654

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.